RCE 11600

PTO/SB/30 (08-00)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/911,050
Filing Date	07/23/2001
First Named Inventor	James L. Bullington
Group Art Unit	1625
Examiner Name	Robinson, Binta M.
Attorney Docket Number	ORT-1477

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 *Fed. Reg.* 50092 (Aug. 16, 2000); Interim Rule, 65 *Fed. Reg.* 14865 (Mar. 20, 2000), 1233 *Off. Gaz. Pat. Office* 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
   - a. ☐ Previously submitted
     - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).
     - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
     - iii. ☐ Other
   - b. ☒ Enclosed
     - i. ☒ Amendment/Reply
     - ii. ☐ Affidavit(s)/Declaration(s)
     - iii. ☒ Information Disclosure Statement (IDS) with Form 1449 and copies of cited references
     - iv. ☒ Other: prepaid return postcard

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2. **Miscellaneous**
   - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
   - b. ☐ Other

3. **Fees** - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed
   - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **10-0750**.
     - i. ☒ RCE fee is required under 37 C.F.R. § 1.17(e)
     - ii. ☐ Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
     - iii. ☐ Other
   - b. ☐ Check in the amount of $_____ enclosed
   - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (print/type)	Joseph S. Kentoffio	Registration No.	33,189
Signature		Date	December 13, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: December 13, 2002

Name (print/type)	Joseph S. Kentoffio		
Signature		Date	December 13, 2002

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02/07/2003 RHARMON 00000002 100750 09911050
01 FC:1251 110.00 CH

Docket No. ORT-1477

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	BULLINGTON et al.
Serial No.	:	09/911,050
Filed	:	July 23, 2001
Title	:	Dithiepino[6,5-b]Pyridines, And Related Compositions And Methods
Art Unit	:	1625
Examiner	:	Robinson, Binta M.

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the Final Office Action dated August 19, 2002, please amend the above-referenced application as follows:

In the Claims:

Please amend claim 54 as follows:

54. (twice amended) A method of treating a subject suffering from a disorder selected from the group consisting of hypersensitivity, allergy, asthma and bronchospasm, which method comprises administering to the subject a therapeutically effective dose of a pharmaceutical composition comprising a pharmaceutically acceptable carrier and a compound of Formula I or Formula II,

wherein Formula I is as follows: